Practice in the Bistrict Courts Unanimously Considered in Two Books of Which the Langbein Book Came First - More Than 80 Cases of Adopted Material.

When Alexander Finelite was appointed a City Magistrate last June to fill out the unexpired term of Magistrate-Joseph Pool, resigned, it was pointed out that he was the author of "Finelite's Law and Practice." He le the author of a law treatise entitled "The Law and Practice of the District Courts in the City of New York," according to the title page, but if an examination should be made of the law book entitled "Law and Practice of the District Courts of the City of New York." by George F. and J. C. Julius Langbein, it will be seen that if Mr. Finelite had not borrowed literally, without credit or quotation marks, from the Langbein book he would have had to work much harder to get a reputation as an author.

The Finelite book is not in general use and even some law libraries are without it. There is a copy, however, in the Law Institute Library in the Post Office building and there any one who is curious enough can find instances by the score where the language of the Finelite book, whose date is 1804, is identical, especially in the notes, with the language of the Langbein book of the edition of 1880. This circumstance became known soon after the Finelite book was published by the Diossy Law Book Company, and the book dropped out of sight almost immediately

The Langbein brothers have been getting out their book at intervals since the first edition was published by Banks & Bros. in 1872. A second edition was made in 1880, bringing the subject matter up to date. Again in 1894 a new edition was made for similar reasons. It was in that year that Finelite started out as a legal writer. The new Langbein edition came out ahead of his book, and that also prevented any large sale of his work. Altogether there have been six editions of the Langbein book, bringing the practice in the district courts up to date as changes in procedure and decisions on certain points have been incorporated into the law relating to these

A comparison of the Finelite book and the Langbein book of 1880 has shown more than eighty cases of the use of the matter of the Langbein book by Finelite without credit or quotation marks. A large majority of these cases of appropriation have to do with the notes illuminating the procedure in these tribunals. Of course, it is not plagiarism to reproduce the law, section by section or otherwise, under which these courts operate. The various sections are reproduced in both books, but the notes and comments, many of them involving research, are the author's own, that is in the Langbein book.

The titles of the books are similar, except that the Finelite book uses the word "in" where the Langbein uses "of."

Out of the many cases of duplication here are some picked at random from the

Note.
Same headings.
Same headings.
Same procedure.
Game law notes.
Livery stable notes.
Distinction between courts.
Relating to boarding houses.
Same language.
Pages identical.
Same note. Judge not to be interested in Note on scals the same. imilar language. ame notes on fictitious

names.
Same notes.
Notes the same on proof of 253 Transposed note, 181 Same notes, 327-8-9 Same notes, 301 Same notes, 282 Same notes, In looking up these cases it will be found that not only is the language identical in the two books, but that even the headings the two books, but that even the headings are the same, in many instances page after page. Beginning on page 23 of the Langbein book and running on for five pages these headings will be found: "No Jurisdiction of Actions by Seamen," "Title to Real Property," "Executors and Administrators May Sue," "Where Executor or Trustee is a

Property, "Executors and Administrators May Sue," "Where Executor or Trustee is a Party," "Where Plaintiff is an Executor or an Administrator," "When Foreign Corporations May Sue," "When Foreign Corporations Mays Not Sue," "Unincorporated Associations," "Actions, &c., by or Against Associations of Seven or More Members," These are only a few of the headings, but each is repeated in the Finelite book in exactly the same order as in the Langhain exactly the same order as in the Langbein In noting the method of transposition it will be observed that where the Langbein book quotes authorities the cases are put in italics. In the Finelite book these authoriwith some abbreviation. In the Langbein book on page 27 of the 1880 edition there occurs the following on the "Power of the Justice," under the heading "General

The Justice must act in strict conformity with the statutes, and if he exceeds these powers his proceedings are absolutely void and he is liable to damages. - Low vs. Rice, 8 Johns, Rep. 400: Clyde and Rose Plank Road Co. vs. Parker, 22 Barb., Rep. 323; Vosburg vs. Welch, 11 Johns, Rep. 171; Kerr vs. Mount, 28 N. Y., Rep. 659. Van Low vs. King 3 Cowen,

The language is precisely the same on page 32 of the Finelite book except that the abbreviation "rep." is omit ted and a possessive case is made of the name Cowen. The Langbein book continues:

These courts are strictly confined to the authority given to them. They take nothing by implication, but must in every instance show that the power has been expressly granted to them -- Loomis vs. Bowers, 22 How., pr. 381; Abern vs. Nat. Steamship Co., 11 Abb. n. s. 382.

The Finelite book has a transposition of this that feads:

These courts take nothing by implication but confined (verb omitted) strictly to the authorities given them, but must show that the power and authority has been granted them in every instance. Loomis vs. Bow-ers, How., pr. 381 Ahern vs. Nat. Steamship Co., 11 Abb. n. s., 382.

Quotation after quotation of identical Quotation after quotation of identical passages might be reproduced. The Langbein brothers are no longer in partnership. Each of them was seen yesterday and each declined to make any comment on the appropriation by Finelite, especially of the notes in their book. They said that the two books would speak for themselves that if a comparison was made it be at some law library. They would ither affirm nor deny that any plagiarism lagistrate Finelite's term as a city official will expire on July 1 next.

President Pictured on Horseback. WASHINGTON, Oct. 17.-The President, accompanied by Secretary Root, viewed an equestrian portrait of himself in a local studio this afternoon. He stopped in the etudio on his return from the dentist. The painting is from the brush of B. West. Clinedinst of New York. It is 8 by 12 feet, a life size reproduction in oil of the familiar picture of the President mounted on his horse, Bleistein in the act of taking a high gate. The President expressed his approval of the work. The picture will be on exhibition here for several weeks.

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OBITUARY.

Mrs. Katharine Hamilton Browning, widow of Ross C. Browning, who was a prominent resident of Llewellyn Park, N. J., died yesterday morning at her home there, Glen-bank. She had been ill with paralysis for a long time. She was 76 years old. Mrs. Browning was a prominent figure in the civic, philanthropic and religious life of the Oranges. Her grandfather was an iron manufacturer. She married Mr. Browning in 1854. They were among the first settlers of the fashionable section known as Llewellyn Park. Mrs. Browning was one of the organizers of the First Unitarian Church of Orange and one of its principal supporters. She was also a member of the board of trustees of the church. She was one of the charter members of the Woman's Club of Orange and served a long time as president. Before the civil war Mr. Browning had a large map printing plant in Richmond, Va. He was loyal to the Union and had to fiee. The Confederacy confiscated the plant and turned it into a factory for the manufacture of Confederate money. Two sons, Frederick T. and Charles R. Browning, and a daughter, Miss Bertha Browning, all of whom live in Liewellyn Park, survive.

Capt. Lloyd Anson Rider, a well known izers of the First Unitarian Church of Orange

ellyn Park, survive.

Capt. Lloyd Anson Rider, a well known California pioneer, died on Tuesday at his home, 421 East Eighteenth street, Flatbush, in his eighty-eighth year. He was an architect and builder, and after a few years adventure in California gold mining resumed his profession. For many years his home was in Benicia, Cal., and he designed and built some of the finest residences in that city. He was known on the Pacific Coast as "Old Grizzly," a title he received from a flerce encounter with grizzly bears. Since the death of his wife in June last Capt. Rider had been living with Mrs. Sars Handy McClintock, his grandniece, in Flatbush. The funeral and interment will take place in Springfield, Mass., to-morrow.

Prof. Henry S. Richardson, director of the

Prof. Henry S. Richardson, director of the Prof. Henry S. Richardson, director of the German department of Amherst College, died yesterday of bronchitis. He had been ill only a short time. Prof. Richardson had been identified with Amherst College for many years. He was born at Franklin, Mass., in 1844, and was graduated at Amherst in 1869. For four years he was an instructor in the college and then for three years he was a teacher in the Springfield High School. He devoted the years 1876-78 to studies in Germany. In the latter year he was appointed instructor in German at Amherst. In 1869 he was married to Miss May Lincoln, who survives with two daughters and one son.

Frederic Adolph Kursheedt, president of the

daughters and one son.

Frederic Adolph Kursheedt, president of the Kursheedt Manufacturing Company, makers of braid and embroidery at 358 West Broadway, is dead in Paris of cancer. He went abroad in June for his health, but grew so ill that his brothers Alphonse and Edmund were summoned from New York to his bedside. They reached Paris two days before he died, on October 14. He was born in this city in 1845. With his brothers Alexander and Israel, now dead, he organized the concern of which he was the head thirty years ago. He was unmarried and lived at the Hotel Royalton. Six brothers and two sisters survive him.

Theodore Victor Silva, proprietor of the

Theodore Victor Silva, proprietor of the Hotel Colonial, Asbury Park, died on Tuesday at Heartsease, the summer home of Millard F. Smith, at Ticonderoga, Lake George. He was 59 years old. He was 50r in New York and served through the civil war as a member of the Twelfth Regiment. He was with the firm of Smith, Gray & Co. for many years and went into the hotel business at Asbury Park six years ago. He was a member of the Alexander Hamilton Grand Army Post. His wife survives him.

Frantz Keim, head waiter in Delm vie downtown restaurant for many years, ded or pneumonia on Tuesday at his home, 2: than-hattan avenue, Jersey City, in hors synty-first year. He retired from business about

Bayonne's Tax Rate Lowered.

LAKE MOHONK CONFERENCE.

Addresses by an Onondaga Indian, Commissioner Draper and Others.

LAKE MOHONK, N. Y., Oct. 17.- The Indian had his day at the first session of the con-Indian, born near Syracuse, captivated the given by Fischer-Hansen to Robert Ballen-Institute to train the hand as well as the mind and heart. He urged the establishment of an advanced industrial training school where Indians may be trained for American citizenship.

Indian Commissioner Francis E. Leupp gave a glimpse of the work of the Indian Bureau, emphasizing the efforts made to give every Indian child the rudiments of education and to make the Indian adult self-reliant.

Andrew S. Draper, State Commissioner of Education, in his address as presiding officer, referred to the conditions of the dependent peoples of the islands as well as the Indians, and closed with these words.

"The Lake Mohonk conferences carry no sword, but let no one fear that they are without force. They have helped the Indians; they will help them more. They will help the Filipinos and the Hawaiians and the Porto Ricans and perhaps the Cubans. They have gathered up, quickened and declared that public opinion which, as Talleyrand said, is more powerful than any monarch that ever lived. They have rendered a distinct service to democratic institutions and the sovereignty of the United States, for they have helped them to be beneficent as well as powerful, and thereby show their

as well as powerful, and thereby show their right to be."
In the evening the Alaska Indians were discussed by Dr. Sheldon Jackson and the Rev. James W. Kirk of Alaska. Dr. Merrelle Gates, secretary of the board of Indian Commissioners. Dr. H. B. Frisell, president of Hampton Institute, and Dr. Charles F. Meserve, president of Shaw University, in Raleigh, N. C., were among the speakers.
Mayor McClellan and his wife and the Chief Engineer and Secretary of Water Supply and two secretaries of the Mayor spent the night at the Mohonk House, but they were at work in their rooms all the but they were at work in their rooms all the evening and did not attend the conference.

PLAINFIELD, N. J., Oct., 17 .- For the first time in the history of the local Democratic party it will have no Mayoralty candidate at the approaching election. The party held a city convention last night and indorsed the Republican nominees for Mayor and Tax Collector, the former being Charles
J. Fisk and the latter John W Marray,

Mr. Fisk is a member of the banking firm of Harvey Fisk & Sons of New York.

\$5,000 Job for Ex-Schafor McCabe. Comptroller Herman A. Metz yesterday appointment of Dr. James H. McCabe of Brooklyn to a \$5,000 job in his office as clerk to the Commissioners Mayor Pierre Garven of Bayonne announced yesterday that the tax rate for the ensuing year will be \$20.58 per \$1,000.

The present rate is \$27.50.

SUES CARL FISCHER-HANSEN. Woods Stockton Seeks to Recover \$3,000 on Two Notes Made Last November.

Woods Stockton of Stocktonville, Va., has begun a suit in the Supreme Court ference on "Our Dependent Peoples," which here against Carl Fischer-Hansen, the lawopened here this morning. An Onondaga | yer, to recover \$1,500 on a promissory note audience as he told in excellent, even fluent | tine on November 24, 1905, and payable six English, what had been done at Hampton months later. Stockton also has a similar

suit in the City Court on another note drawn for the same amount and in the same way. Stockton says that he is a farmer and met Ballentine, who died a month after the notes were made, in Washington last fall Rallentine owed him \$3,000, he says, and was on his way to New York to collect, as he told Stockton, \$25,000 which was owing to him. One of the debtors was Fischer-Hansen, and the three met at the Man-

Ballentine asked Fischer-Hansen, Stockton says, to make out the notes now in litigation and said that he wanted to turn them over to Stockton. The lawver demurred at first to placing his notes in the hands of a stranger, Stockton says, but finally did so on Ballentine's assurance that Stockton was a friend and all right.

When Stockton came to collect the notes, Ballentine being dead, Fischer-Hansen refused to meet them and gave as explanation that "things were different since Bob died." Since then, Stockton says, the lawyer has refused to pay the notes.

has refused to pay the notes.

Fischer-Hansen says that he gave the notes on the understanding with Ballentine that the money was to be invested in stock of the Universal Realty Company, in which Ballentine was interested, and that he, Fischer-Hansen, was to get the stock in return for the notes. He did not get the stock, he says, but, on the contrary. Stockton presented the notes for payment. Fischer-Hansen alleges that Ballentine had given the notes to Stockton in payment of a the notes to Stockton in payment of a gambling debt and that therefore not only was the original stock agreement broken but the consideration for the trans-

fer of the notes was illegal.

The defendant says that Stockton is known as a common gambler in Virginia, and to prove the truth of his defence to the suit he obtained from Justice Leventritt yesterday an order for the examina-tion by commission of D. L. Persch at Trenton, N. J., and Frederick Klienstuber at Tonopah, Nev. Their testimony will show, he says, that he is being made the victim of a contairacy.

Billy Frank Paces Boys in Big Cross-

Country Rua. W. G. Frank, the Marathon runner, was pacemaker for the boys of the High School of Commerce yesterday afternoon in a run gcross Central Park. The distance covered geross Central Park. The distance covered was about two miles and Frank took the youngsters, fifty in number, at a swinging gait all the way. Arrangements have been made for Saturday morning at Macomb's Dam Park Athletic Field, when four of the high schools will hold a run. Two hundred lads will line up and they will be paced by local cross-country men.

Basketball.

PRINCETON Oct. 17 .- The schedule for the 13-day as follows:
December 12, Columbia at New York: January
10, University of Pennsylvania at Princeton; 16,
Columbia at Princeton; 18, Yale at New Haven;
19, Harvard at Cambridge; February 9, Cornell
at Ithaca; 16, Harvard at Princeton; 22, Yale at
Princeton; March 1, Cornell at Princeton, AUTOMOBILES. "10

AUTOMOBILES.

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FUNERAL OF MRS. DAVIS.

Confederate Camps to Participate-The President's Condolences.

Telegrams of condolence to Mrs. J. Addison Hayes, daughter of Mrs. Jefferson Davis, were received all day yesterday at the Hotel Majestic, more than fifty coming from camps of the United Confederate

President Rooseveit sent the following: Pray accept the most sincere sympathy of Mrs. Roosevelt and myself.

THEODORE ROOSEVELT. Major J. G. Woodward of Atlanta also sent a message of sympathy. The arraments for the transfer of the body of Davis to Richmond were not completed last night. It was said, however, that the plan will probably include the removal of the body without osientation from the hotel to the Pennsylvania Railroad ferry at West Twenty-third street for the 9:30 P. M. ex-

ress to Richmond.
Eight Southerners living in this city will be the only escort. The services in Richmond will be in St. Paul's Frotestant Eniscopal Church at 8 o'clock Friday morning, following which there will be a military funeral much like that given to Miss Winnie Dayis, "the Daughter of the Confederacy." News from Richmond last night showed the continued arrival there for the funeral of prominent Confederate soldiers, nearly

every veteran camp sending a delegation.
The pallbearers will be chosen to-day.
RICHMOND, Va., Oct. 11.—The body of
Mrs. Jefferson Davis, the w fe of the President of the Confederate States, will be interred in Hollywood on Friday after-noon. All of the State military and all Confederate organizations in this and adjoining States will turn out to do honor to the "Mother of the Confederacy." The Governors of all the Southern States will

Governors of all the Southern States will be invited to be present.

Gen. Stephen G. Lee, the grand commander of the grand camp, Confederate Veterans, is now on his way to kichmond from Tennessee. He will act as chief marshal. Adjt.-Gen. Charles J. Anderson will form the funeral cortege and turn it over to Gen. Lee, after which he will act in the capacity of Adjutant. Lieut.-Gov. J. Taylor Ellison is in charge of the funeral arrangements. The Governor will to-morrow issue a proclamation closing all State offices for the afternoon of Friday and ordering the flags of the city at half mast.

the flags of the city at half mast.

The Daughters of the Confederacy will be placed in charge of the flowers. Gen.

Theodore S. Garnett of Norfolk, commander of the Virginia division of the United Confederate Veterans, has issued across celling the company of the State to orders calling the camps of the State to

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attend the funeral. The pallbearers, both active and honorary, will be chosen from the veterans of the various Southern States.

NO EVIDENCE OF ACCOMPLICE.

Counsel Says Hint That Mrs. Thaw Bought Revolver Is Rubbish. Clifford W. Hartridge, attorney for Harry K. Thaw, awaiting trial for the murder

of Stanford White, said yesterday in regard

to the intimation that Thaw might have had an accomplice that no evidence in support of the idea had been revealed. A. R. Peabody, Mr. Hartridge's colleague, said that there was no warrant for supposing that Mrs. Thaw had purchased the revolvre used by Thaw. Mrs. Thaw herself, after visiting her husband at the Tombs, said that he had authorized her to designate the

intimation that she had bought the revolver It is probable that Thaw's trial will not

It is probable that Thaw's trial will not begin until December.
PITTSBURG, Oct. 17.—It was said this afternoon that Mrs. Harry K. Thaw had within a few days visited Pittsburg and that in a company with Joseph Cor ley Thaw she had spent a busy day conferring with attorneys and looking up data in Allegheny.
The young woman also visited her stepfather, Charles J. Holman, and consulted with Roger O'Mara, the detective.
Mrs. Thaw arrived in the morning and took an evening train back to New York. took an evening train back to New York.



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The Graygood Hydraulic Shock Absorbers will lengthen the life of your

They save fuel and increase speed, for there's no necessity for slowing down for rough places.

These absorbers work perfectly with capacity load, and yet are adjusted so as to permit full spring play with light load on ordinary roads. No re-adjustment is ever necessary. They never not out of order. get out of order.

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new; Orient, latest Touring Car; 35 Locomobile
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cylinder; Locomobiles, two cylinder, \$400. Four
cylinder; Locomobiles, two cylinder, \$500.
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every good make.
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\$4,500 APPPLISON, forty horse, 4 cylinder, \$1,750

\$3,500 THOMAS Flyer (fifty), 4-cylinder, \$1,400

\$3,500 NATIONAL (thirty-five), 4-cylinder, \$1,750

\$2,500 HAYNES (thirty-five), 4-cylinder, \$1,500

\$2,100 WINTON, twenty horse, 4-cylinder, \$1,500

\$1,900 REO, top and extras. \$530

\$1,400 REO, top and extras. \$530

\$1,000 NEW QUEEN, \$600; ACME \$600

Four FRANKLINS. \$530 to \$730

Six CADILLACS, side entrances, from \$425

Pope-Toledos, Pope-Hartfords, Mors, White
Steamer, Panhard Kunabout, Elmores, Northerns, Oldsmobiles, Autocars, Packard, Rainiers, Piefce, BUNABOUTS \$150

BUNABOUTS \$150

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